

**LITTLE TRAVERSE BAY BANDS OF ODAWA INDIANS
TRIBAL COURT**

01-04-03PC01:27 FILE *Ans*

DAVID MICHAEL LUCCHESI,

Plaintiff,

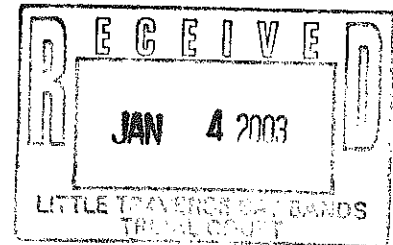
Case No. C-036-1002

Hon. Michael Petoskey

v.

LITTLE TRAVERSE BAY BANDS OF
ODAWA INDIAN ENROLLMENT OFFICE,

Defendant.



ENROLLMENT APPEAL DECISION

A. Issue Presented:

Whether Plaintiff submitted his enrollment application by December 31, 2001, thereby allowing him to take advantage of a statutory provision regarding enrollment that was in place from May 23, 1999 until November 18, 2001?

B. Findings of Fact:

1. On May 23, 1999, the Tribal Council enacted WOS 1999005 which included the following provision:

All persons listed on the Durant Roll who resided within the reservation or areas of residency listed in Section V(B)(1) at the time the payrolls were written shall be considered full Little Traverse. Section III (4).

2. It was this statutory provision that provided the opportunity for some of Plaintiff's family members to become members of this Tribe.

3. Subsequent to the above-mentioned enrollment of some of Plaintiff's relatives, the Tribal Council repealed WOS 1999005 and enacted in its place WOS 2001-14 which states in pertinent part:

The Enrollment Statute of December 19, 1999, being Waganakising Odawak Statute 1999014, is amended by deleting Sections V(B)(3) and VI, and adding the following new Section V(C):

The blood quantum of persons whose names appear on the Durant roll will be determined by the notations contained on the roll and accompanying field notes. Provided, solely for purposes of their own Tribal enrollment, the blood quantum of Tribal members who enrolled in reliance of the statutory provision in place from May 23, 1999 [WOS 1999005, Section V(B) (4); WOS 1999014 Section V(B)(3)], and the blood quantum of persons who submit their enrollment applications by December 31, 2001, shall not be effected by this amendment. WOS 2001-14 (emphasis added).

4. Plaintiff did not submit his enrollment application by the statutory deadline to take advantage of the full blood determination of WOS 1999005, Section III(4). Plaintiff's application was dated January 28, 2002, postmarked January 29, 2002, and received by the Enrollment Office on February 01, 2002.

WHEREFORE, FOR ALL OF THE FOREGOING, this Court denies Plaintiff's appeal and hereby dismisses this matter.

01/04/03
Date

Honorable Michael D. Petoskey
Chief Judge